

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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| DAVE GILLICK, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 4:16CV122 RLW |
| |) | |
| DON BROWN, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion to Approve, Adopt, and Affirm Umpire’s Decision (ECF No. 25). Plaintiffs’ filed a Complaint in federal court on January 30, 2016 seeking a court-appointed, impartial umpire to resolve a dispute among the parties. On June 20, 2016, the Court appointed Mark Berger, Esq., as arbitrator. Mr. Berger issued a decision on November 28, 2016, and the Plaintiffs now move for the Court to approve, adopt, and affirm the umpire’s decision and reasons, which are attached as Exhibits A and B to Plaintiffs’ Notice of the Umpire’s Decision (ECF No. 24). Plaintiffs note that Defendants do not oppose the Plaintiffs’ motion. For the following reasons, the Court will grant Plaintiffs’ motion and confirm the umpire’s decision.

Plaintiffs are Employer Trustees of the Bricklayers Local 1 Missouri Apprenticeship and Training Trust (“Trust”), and Defendants are the Union Trustees of the Trust. In accordance with the Trust, if the trustees are unable to agree on any matter, they shall agree to an impartial umpire to decide the matter in dispute or may petition the presiding judge of the U.S. District Court for the Eastern District of Missouri for the appointment of an impartial umpire. “[T]he

decision of said umpire shall be binding upon all parties to the agreement. (Compl. ¶ 6, ECF No. 2)

During a meeting held on November 18, 2015, the Employer Trustees moved that the “Bricklayer Apprenticeship Standards” be amended to conform to Article IX, § 6 of the current Collective Bargaining Agreement between the Mason Contractors Association of St. Louis and the Bricklayers Union Local No. 1 of Missouri. (*Id.* at ¶ 7) The Union Trustees abstained from voting on the matter, and the Plaintiffs filed suit in federal court asking that the Court appoint an impartial umpire. (*Id.* at ¶¶ 8-9) The Court appointed Mark Berger, Esq., and after conducting a hearing on the dispute, Mr. Berger determined that the motion to amend would be granted. (Pls.’ Exs. A & B, ECF Nos. 24-1, 24-2)

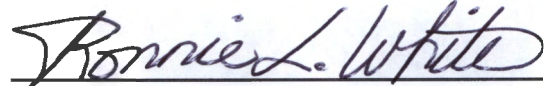
On November 28, 2016, Mr. Berger issued an Memorandum including written findings of fact and discussion, as well as a Decision voting “yes” on the proposal to amend the “Bricklayer Apprenticeship Standards” to conform to Article IX, § 6 of the current Collective Bargaining Agreement between the Mason Contractors Association of St. Louis and the Bricklayers Union Local No. 1 of Missouri. (*Id.*) On December 7, 2016, Plaintiffs filed a Notice of the Umpire’s Decision, and on December 9, 2016, Plaintiffs filed an unopposed Motion to Approve, Adopt, and Affirm Umpire’s Decision. Upon review of the umpire’s decision, the Court finds no indication that the arbitrator exceeded his authority or that the award is irrational or indicates a manifest disregard for the law. *SBC Advanced Sols., Inc. v. Commc’ns Workers of Am., Dist. 6*, 44 F. Supp. 3d 914, 925 (E.D. Mo. 2014) (citation omitted).

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ Motion to Approve, Adopt, and Affirm the Umpire’s Decision (ECF No. 25) is **GRANTED**, and the November 28, 2016 Decision and

reasons issued by the umpire in this matter (Pls.' Exs. A & B, ECF Nos. 24-1, 24-2) are hereby approved, adopted, and affirmed. A separate judgment will accompany this Memorandum and Order.

Dated this 13th day of December, 2016.

A handwritten signature in blue ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE